

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090318

04/05/2011

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

I. Ostrander

Deputy

IN RE THE MATTER OF
JOSHUA RAY MASSAGLI

JOSHUA RAY MASSAGLI
1229 S 79TH PL
MESA AZ 85209

AND

ERICA RAE CRABTREE

MAUREEN E GREGAN

AZ DEPARTMENT OF VITAL
RECORDS
DOCKET-FAMILY COURT-SE
FAMILY COURT SERVICES-CCC

**RESOLUTION MANAGEMENT CONFERENCE
JUDGMENT OF PATERNITY
AGREEMENT RE: TEMPORARY ORDERS
TRIAL TO THE COURT SET**

Courtroom 304 SEF

8:54 a.m. This is the time set for Resolution Management Conference. Petitioner/Father is present on his own behalf. Respondent/Mother is present and is represented by counsel, Maureen E. Gregan.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Joshua Ray Massagli and Erica Rae Crabtree are sworn.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090318

04/05/2011

The parties appeared on the Motion for Temporary Orders filed by Father on March 17, 2011. Since the parties were never married, the first step in this process is to establish paternity. There is no factual dispute between the parties.

THE COURT THEREFORE FINDS that Joshua Ray Massagli is the natural father of the minor children, Joshua Ray Massagli Jr., born on May 24, 2006, and Tobias James Massagli, born April 15, 2008, to Erica Rae Crabtree.

IT IS ORDERED declaring Joshua Ray Massagli is the natural father of the minor children, Joshua Ray Massagli Jr. and Tobias James Massagli, with all rights and responsibilities for said children as ordered by the Court.

IT IS FURTHER ORDERED that new birth certificates for the minor children shall be issued and/or amended or supplemented to reflect the true paternity of the children, if the name of the natural father does not now appear on the original certificates.

IT IS FURTHER ORDERED that the parties shall obtain applications to amend the birth certificates from the Office of Vital Records, Department of Health Services, 1818 W. Adams Street, Phoenix, AZ 85007, (602) 364-1300, and shall submit the applications, along with a certified copy of this minute entry order, to the Office of Vital Records so that the birth certificates may be amended or supplemented, as ordered herein.

With the assistance of Mother's counsel, an interim agreement was reached. The Court is adopting the agreement of the parties as a temporary order. It is noted, however, that the terms are not binding upon the parties as it relates to final orders to be entered herein. There are many factors that the parties may consider at a temporary orders stage that differ materially from what they may consider at the time in which final orders are developed. With this understanding regarding the temporary nature of these orders,

IT IS ORDERED as follows:

1. The parties are awarded joint legal custody of the minor children.
2. The children shall reside in the primary physical care of Mother.
3. Father shall have parenting time each week on both Tuesday and Wednesday, from 4:00 p.m. until 8:00 p.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090318

04/05/2011

4. Out of every four weekends, Father shall have the first three weekends, from 5:00 p.m. on Friday until 5:00 p.m. on Sunday. Every fourth weekend shall be assigned to Mother.
5. Mother shall have the children on Mother's Day, from 9:00 a.m. until 5:00 p.m., and Father shall have the children on Father's Day, from 9:00 a.m. until 5:00 p.m. This shall supersede the weekend schedule set forth above.
6. The parties have completed a preliminary guideline support calculation. While not binding as to final orders, it equates to \$811.00 per month due from Father. They have agreed to round off the figure. **Therefore, retroactive to February 1, 2011, Father shall pay to Mother the sum of \$800.00 per month as and for temporary child support.** Father is hereby credited with having satisfied the February 2011 obligation.

An *Order of Assignment* will be initiated electronically. Any time an *Order of Assignment* is not paying the child support obligation in full, Father shall make full and timely payments directly to the Support Payment Clearinghouse in accordance with the instructions for making support payments through the Clearinghouse attached hereto.

IT IS FURTHER ORDERED setting Trial to the Court on August 11, 2011, at 8:30 a.m. (time allotted: 1.5 hours) before the Honorable Benjamin Norris, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona, 85210.

Due to the judicial rotation scheduled to occur in June 2011, this represents a change in judicial assignment and both parties are on notice thereof in accordance with Rule 6 of the Arizona Rules of Family Law Procedure and Rule 42 of the Arizona Rules of Civil Procedure.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the trial must be brought to this Court's clerk in courtroom 404 **no later than 12:00 p.m.**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090318

04/05/2011

on Wednesday, August 3, 2011, with a coversheet listing the description of the exhibits. All exhibits must be hand-delivered to courtroom 404 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of trial, **each party shall provide an extra copy of the exhibits for use by the Court during the trial. This extra set of exhibits shall be noted to be the "Bench Copy."**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party shall submit to this division proposed findings of fact and conclusions of law by no later than August 3, 2011.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before July 28, 2011.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than July 28, 2011.
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

IT IS FURTHER ORDERED that counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090318

04/05/2011

Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this division by no later than August 3, 2011. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) A proposed parenting plan.
- c) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement those exhibits they have agreed will be admissible at trial, as well as any specific objections that will be made to any exhibit, if offered at trial, that is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements, and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

DATED the 5th day of April 2011.

/S/ HONORABLE BRUCE R. COHEN

BRUCE R. COHEN
JUDGE OF THE SUPERIOR COURT

9:23 a.m. Hearing concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090318

04/05/2011

Attachments:

JOSHUA RAY MASSAGLI: Non IV-D Payment Instructions